

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JERICO DEMISSIE,

Plaintiff

v.

7-ELEVEN, INC., DARCIA ADAMS,  
& YONAS G. SELLASSIE

Defendants.

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Civil Action No. 3:09-cv-01153-M

**DEFENDANT 7-ELEVEN, INC.'S MOTION FOR SANCTIONS**

Defendant 7-Eleven, Inc. ("7-Eleven") hereby moves for sanctions against Plaintiff pursuant to Rule 37 of the Federal Rules of Civil Procedure for her failure to appear at her duly noticed deposition despite having been admonished by the state court to do so prior to the removal of this action.

The grounds for the instant motion are set forth in the accompanying Brief in Support, which is incorporated as if set forth fully herein.

**Local Rule 7.1 Certificate of Conference**

For the reasons set forth in the Factual Background section of the Memorandum in Support, counsel for Defendant has been unable to confer with Plaintiff regarding the relief requested in this motion.

WHEREFORE, Defendant 7-Eleven, Inc. respectfully requests that the Court grant the instant motion and enter an order setting a deposition date for Plaintiff and

award 7-Eleven its reasonable attorneys' fees and costs incurred as a result of Plaintiff's misconduct.

Respectfully submitted,

/s/ Eric A. Welter

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**COUNSEL FOR DEFENDANT  
7-ELEVEN, INC.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail, postage prepaid, this 3<sup>rd</sup> day of July 2009, to:

Jericho Demissie  
8014 Amesbury Lane  
Rowlett, Texas 75089

☒ U.S. Mail  
☐ Hand Delivery  
☐ Overnight Delivery  
☐ Certified  
☐ Fax

/s/ Eric A. Welter  
Eric A. Welter